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## FAX TRANSMISSION

DATE December 7, 2005

NO. OF PAGES 3  
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## FROM

*name**tel*

Kurt T. Mulville

*fax*

949/567-6710

## TO

*name**company/firm**tel**fax*Examiner Paul Gurzo,  
Group Art Unir 2881

USPTO

571/272-2472

571-273-8300

RE United States Patent Application Serial No. 10/806,907, filed March 22, 2004

## MESSAGE

Replacement Terminal Disclaimer attached for above patent application.

C-M-A

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/806,907 Confirmation No. 2395  
Applicant : Jian Bai, Steven M. Fischer and J. Michael Flanagan  
Filing Date : March 22, 2004  
Title : Ambient Pressure Matrix-Assisted Laser Desorption  
Ionization (MALDI) Apparatus and Method of Analysis  
Group Art Unit : 2881  
Examiner : Paul M. Gurzo  
Docket No. : 10980322-5 (12089.4004)

TERMINAL DISCLAIMER

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Kurt T. Mulville, represent that I am an attorney for the above-identified application. The above-identified application has been assigned to AGILENT TECHNOLOGIES, INCORPORATED. AGILENT TECHNOLOGIES, INCORPORATED is currently named as the owner of 100% interest in the above-identified invention, and owner of 100% interest in patent application serial nos. 10/806,908 and 10/806,808 filed March 22, 2004.

AGILENT TECHNOLOGIES, INCORPORATED hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the statutory expiration date of a patent issuing from patent application serial no. 10/806,908 and 10/806,808 filed March 22, 2004. Moreover, AGILENT TECHNOLOGIES, INCORPORATED hereby agrees that any patent so


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CERTIFICATE OF TRANSMISSION

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Date: December 7, 2005

I hereby certify that on the dated listed above, this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to Examiner Paul Gurzo at 571/273-8300 to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Lynne FulmerDOC/SOCI:169671.1  
12089-4004

Applicant : Jian Bai, Steven M. Fischer and J. Michael Flanagan  
Appl. No. : 10/806,907  
Examiner : Paul M. Gurzo  
Docket No. : 10980322-5 (12089.4004)

granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to a patent issuing from patent application serial no. 10/806,908 and 10/806,808 filed March 22, 2004, this agreement to run with any patent granted on the above-identified application and to be binding upon AGILENT TECHNOLOGIES, INCORPORATED its successors, or assigns.

AGILENT TECHNOLOGIES, INCORPORATED does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of a patent issuing from patent applications serial nos. 10/806,908 and 10/806,808 filed March 22, 2004, in the event that both later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.312(a), have all claims cancelled by a reexamination certificate, are reissued, or are otherwise terminated prior to expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is authorized to charge Orrick Herrington & Sutcliffe's Deposit Account No. 150665 for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 7, 2005

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By: 

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